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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

OCT 05 2020

CLERK, U.S. DISTRICT COURT
ST. PAUL, MN

LEILA CRUZ

Plaintiff(s),

vs.

Case No. 20-cv-2113 DWF/DTS
(To be assigned by Clerk of District Court)

BEST BUY
7601 Penn Avenue, South Richfield,
MN 55423 USA

DEMAND FOR JURY TRIAL

YES ☒

NO ☐

Defendant(s).

(Enter the full name(s) of ALL defendants in
this lawsuit. Please attach additional sheets
if necessary).

COMPLAINT

PARTIES

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name	LEILA CRUZ
Street Address	10911 W 63RD PLACE #101
County, City	ARVADA
State & Zip Code	COLORADO 8004
Telephone Number	(816) 508-5056

SCANNED

OCT 05 2020

U.S. DISTRICT COURT ST. PAUL

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

a. Defendant No. 1

Name **BEST BUY**
 Street Address **7601 Penn Avenue, South**
 County, City **Richfield**
 State & Zip Code **MN 55423**

b. Defendant No. 2

Name **ANDREW CAMPBELL INDIVIDUAL/PROFESSIONAL CAP**
 Street Address **9369 SHERIDAN BLVD**
 County, City **WESTMINSTER**
 State & Zip Code **COLORADO 800031**

c. Defendant No. 3

Name **ANDREW (CUSTOMER SVC MANAGER)**
 Street Address **9369 SHERIDAN BLVD**
 County, City **WESTMINSTER**
 State & Zip Code **COLORADO 80031**

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☒

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g. Additional Defendants 2.d., 2.e., etc.)

JURISDICTION

Federal courts are courts of limited jurisdiction. Generally, two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount of damages is more than \$75,000 is a diversity of citizenship case.

3. What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal Question

☒ Diversity of Citizenship

4. If the basis for jurisdiction is Federal Question, which Federal Constitutional, statutory or treaty right is at issue? List all that apply.

**AMERICANS WITH DISABILITIES ACT, CIVIL RIGHTS ACT, 42 USC
SECTION 1983**

5. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? Each Plaintiff must be diverse from each Defendant for diversity jurisdiction.

Plaintiff Name: **LEILA CRUZ**

State of Citizenship: **COLORADO**

Defendant No. 1: **BEST BUY**

State of Citizenship: **MINNESOTA**

Defendant No. 2:

State of Citizenship:

Attach additional sheets of paper as necessary and label this information as paragraph 5.

Check here if additional sheets of paper are attached. ☒

6. What is the basis for venue in the District of Minnesota? *(check all that apply)*

☐ Defendant(s) reside in Minnesota ☐ Facts alleged below primarily occurred in Minnesota

☐ Other: explain

STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of how, where, and when each of the defendants named in the caption violated the law, and how you were harmed. Each paragraph must be numbered

separately, beginning with number 7. Please write each single set of circumstances in a separately numbered paragraph.

7.

1. PLAINTIFF IS A MEMBER OF A PROTECTED CLASS: Plaintiff is blind, diabetic and mobility impaired.

2. BEST BUY IS A BUSINESS AND PLACE OF PUBLIC ACCOMMODATION

3. PLAINTIFF WAS TREATED DIFFERENTLY DUE TO RACE AND DISABILITY THAN OTHER SHOPPERS/CUSTOMERS:

a. 09/29/20 Plaintiff purchased a computer from Defendants for school and work

b. The computer had a hardware issue and would not connect to internet or allow Plaintiff to install adaptive software for the blind and physically disabled

c. 09/30/20 Plaintiff and her caretaker went to the store to return the item, provided the name and Best Buy loyalty account and allowed the cashier Lizett to check to ensure all cords, computer keyboard and mouse were present. Plaintiff asked cashier for her receipt for the refund. Lizette/Cashier walked away and started discussing with several employees that she did not "believe" the computer was purchased by Plaintiff or that the best buy loyalty account was Plaintiff's

d. Andrew (CSR) and Christian (CSR) came over and questioned if Plaintiff had actually paid for the computer. Plaintiff reminded them best buy emails receipts, the serial number had been checked and asked to get her receipt and leave as she is diabetic and needed to take insulin and see her doctor for a previously scheduled appointment

e. Andrew (CSR) Andrew Campbell, Lizett and Christian refused to give Plaintiff receipt

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to as Additional Facts and continue to number the paragraphs consecutively.

(2 Pg Attached)

REQUEST FOR RELIEF

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

5 million dollars

MCCOYV. BEST BUY PAGE 2

F. Plaintiff and caretaker repeatedly explained that Plaintiff is diabetic, blind and without adaptive software could not do anything with the computer.

G. All Best Buy employees stated Plaintiff may have stolen the computer, has to sign back in and perform other computer tasks to prove the computer was actually purchased by Plaintiff. Plaintiff and caretaker again explained to Andrew Campbell (Best Buy Manager) that Plaintiff is Blind and needs adaptive software not on the computer to operate the computer. Andrew (CSR) , Andrew Campbell (store manager) and Lizette kept pointing at the screen and demanding Plaintiff type different things into the computer and help them reset the computer. Plaintiff explained again that she uses a special adaptive keyboard for the blind and diabetic who have nerve issues keeping them from typing and a screen reader for the blind not on the computer and that demanding that she complete a task that could be handled by geek squad is unfair.

Andrew (CSR) told Plaintiff she had to wait an hour for the geek squad to get to the computer and then "about an hour" for it to be reset or she would not get her refund. Andrew Campbell again stated: "we do not know how you got our computer or what you did to it after you TOOK it from our store". Plaintiff pointed out that Best Buy allows for email receipts for all customers and her ADA issues nor her race should cause the store to provide her different terms of service than any other customer. Plaintiff pointed out that she cannot operate the computer without adaptive equipment and software that she is sick, feeling the affects of her not getting to take her life sustaining medication and that she has a doctor appointment and pharmacy appointment and she cannot stay.

H. Lizatte and Christian (Best Buy CSRs) both tried to open and operate the computer and could not connect it to the internet. Lizett repeatedly hit the "restart" button instead of "reset" and Plaintiff continued to state that she is diabetic, needs medical attention and to take her insulin. The caretaker tried to get Andrew Campbell's attention and explain that she needs to leave for medical appointment and to eat and taker her insulin as by this time she was shaking, sweating and feeling dizzy. Andrew Cambell/Best Buy manager walked into the office behind the counter and closed the door in Plaintiff's face. Plaintiff stated that she is going to file a civil rights complaint if the staff would not either pack the computer up and let her leave with it or give her the receipt she was entitled to so she can leave to see her doctor and pick up her insulin. Plaintiff asked Andrew Campbell if the store could provide something to eat and or her insulin because their actions were preventing her from eating, taking her medication and getting to medical care. Andrew and the other 3 employees laughed in the Plaintiff's face.

Andrew (CSR) then stated, "file a civil rights complaint because I am part BLACK". Plaintiff explained that she is Hispanic, and her skin color has nothing to do with Best Buy denting reasonable accommodations or trying to force her to use of help them fix a computer she cannot see. Andrew Campbell said " and now your not welcome in this store or to shop with Best Buy". Plaintiff was going out of the door and Andrew Campbell stopped the Plaintiff to harass and intimidate Plaintiff. Plaintiff stopped to hear what was being said to her.

Plaintiff then stated that "trespassing" someone for asking for accommodations and refusing to be made fun of because they cannot see to operate a company computer is illegal. Andrew Campbell then stated: "and now I am calling the police, wait here they will be serving you with a trespass order. You are not

welcome here and you can stand outside to wait for the police". Plaintiff again explained she is blind, mobility impaired and cannot stand in the heat or on her legs.

Andrew Campbell did call the police on Plaintiff as she sat quietly in the wheelchair he kept insulting Plaintiff and talking at her making false allegations and discussing her race with customer service representative Andrew who kept reassuring Campbell that he will tell the police he is "part black" so "she is still going to jail and getting trespassed".

When police arrived Andrew Campbell falsely claimed Plaintiff had been loud, threatening, and abusive. Campbell tried to have the caretaker and disabled Plaintiff arrested by making false claim that they were refusing to leave the store. Plaintiff stated that she did not refuse to leave the store but did refuse to risk falling by getting out of the wheelchair and waiting outside when she is disabled and ill. Plaintiff pointed out that Best Buy employees refused to give her the return receipt and stated she had to stay at least an hour to reset the computer, if Plaintiff had been abusive or threatening the employees would not have been refusing to let Plaintiff leave for her medical appointment or to take her diabetes medication.

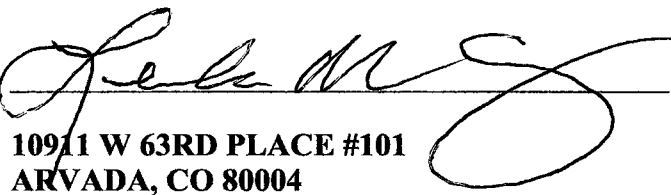
Plaintiff asked for an ambulance because she was very ill by this point and the ambulance came. Plaintiff blood sugar was not 224 with 70 being normal blood glucose. Paramedics from Westminster Fire Department and Police officers K Flores and Officer R A Phelps both told the store employees that they cannot call police on people for making ADA complaints, not being able to physically complete work tasks the store employees should do or for wanting to leave and get medical attention.

The actions of Best Buy employees were discriminatory and endangered the health and safety of Plaintiff. By the time Plaintiff got home her blood sugar was 294. Plaintiff did not have the insulin to treat the high blood sugar as Best Buy employees refused to let her leave the store so they could try to have her arrested and Plaintiff was unable to get to her medical appoint/pharmacy diabetes consultation.

Signed this 30th ☐ day of Septemb ☐ _____ /

Signature of Plaintiff

Mailing Address


10911 W 63RD PLACE #101
ARVADA, CO 80004

Telephone Number

(816) 508-5056

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.